California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2003-0064
ID NO. 1B73061OHUM

WASTE DISCHARGE REQUIREMENTS

FOR

POST-CLOSURE OF THE

SAMOA PACIFIC CELLULOSE, LLC,
LOUISIANA PACIFIC CORPORATION

SAMOA CLASS III SOLID WASTE DISPOSAL SITE

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter the Regional Water Board) finds that:

1. On March 18, 2003, Samoa Pacific Cellulose, LLC (SP) submitted a Report of Waste Discharge for a change in monitoring requirements and an update of the post closure maintenance and reasonably foreseeable release costs for the former Louisiana Pacific Samoa Landfill. SP acquired ownership of the Samoa Pulp Mill complex, including the Samoa Landfill, from Louisiana Pacific Corporation (LP) in February 2001.

2. LP formerly owned and operated the Samoa Landfill (Site). In May 1998, L P submitted the *Final Closure and Post Closure Maintenance Plan* prepared by Winzler and Kelly Consulting Engineers, dated March 1998, for the closure of the landfill.

3. Samoa Pacific Cellulose, LLC and Louisiana Pacific Corporation are hereinafter collectively referred to as the "Discharger" for the purposes of this Order. In early June 2003, LP requested to be removed from this Order as a co-discharger. As noted above, LP no longer owns the Site, but has remained a co-discharger for the purpose of providing the financial assurance required by Title 27, California Code of Regulations (CCR), Sections 20950(f) and 22212(a). To assume the role of sole discharger, SP will need to provide the required financial assurance. SP was not able to provide it before this Order was issued, however. Accordingly, this Order contains a provision that operates to remove LP as a co-discharger on the date the Executive Officer accepts a substitute financial assurance held by SP.

4. The Site is located within the County of Humboldt, approximately 1 mile west of the City of Eureka, on Navy Base Road in portions of Sections 16, 17, 20, and 21, Township 5 North, Range 1 West, Humboldt Base and Meridian, as shown on Attachment "A," which is incorporated herein and made part of this Order. The Site latitude and longitude are 40° 48' 00" and 124° 12' 00", respectively.

5. The Site has four closed and capped Waste Management Units, WMU No.1, WMU No.2, WMU No. 2A, and WMU No. 3. The Site Plan showing the location of wastes and the monitoring wells is incorporated herein and made part of this Order as Attachment "B".

6. Waste Discharge Requirements (WDR) Order No. 73-61, adopted by the Regional Water Board on August 29, 1973, designated the Site as a Class II-2 landfill. The landfill classification system was later modified and Class II-2 landfills became Class III landfills under the revised nomenclature. The discharge is presently governed by WDR Order No. 98-60.

7. The Site is an unlined Class III landfill, as defined in Title 27, California Code of Regulations (CCR). The wastes contained in the landfill are approximately 98 percent wood ash with less than one percent each of slaker grits (unreacted lime nodules from the pulping process), pulp rejects, wood chips, and construction debris. All wastes came from Louisiana Pacific Corporation activities. The Site had been operating since 1970 and ceased accepting waste in May 1997.

8. The total area of the Samoa Landfill is 36 acres with the four WMUs capped in 1998 comprising approximately 15 acres of this Site. Over 400,000 cubic yards of ash are contained within the WMUs. Wastes were placed directly on the ground in piles. It is possible that additional small piles of ash, capped prior to 1984, are present on the North end of the Site.

9. Postclosure land use for the Site is non-irrigated open space.

10. Effective July 18, 1997, the Water Quality Regulations for Class II and Class III disposal facilities formerly contained in Chapter 15, Title 23 California Code of Regulations (CCR), and the Solid Waste Regulations formerly in Title 14 CCR, were re-codified into Chapters 1 through 7, Subdivision 1, Division 2, Title 27 CCR. Chapter 15 is therefore no longer applicable to this facility.

SITE DESCRIPTION

11. The Site is accessed from Highway 101 by heading west on State Route 255, then turning south onto Navy Base Road. After turning left onto TCF Drive, the internal site road is 0.5 miles south on TCF Drive. The access road is gravel. The Site is not specifically gated, however the entire Samoa Pacific Cellulose complex perimeter is fenced.

12. At the Site, the North Spit of the Samoa Peninsula separating Humboldt Bay and the Pacific Ocean is approximately 4000 feet wide. Dune elevations near the Site range from 10 to 50 feet above sea level. The top of the highest WMU is approximately 65 feet above sea level.

13. The zoning and general plan designations for the Samoa Landfill are general industrial. The surrounding land use and zoning include natural resource zones with coastal wetland, dune, and beach areas; industrial zones that are coastal dependent with archeological areas; and general industrial zones.

14. Land use within one mile of the Samoa Landfill is primarily industrial and recreational. The Samoa Pacific Cellulose pulp mill operations lie to the east and northeast of the Site. Fairhaven Power Company facilities lie to the south.

Vacant Samoa Pacific Cellulose property lies to the north and Navy Base Road lies west of the Site. A water tank owned by the Humboldt Bay Municipal Water District (HBMWD) is west of WMU No. 3 and north of WMU No. 1. The Site also has right-of-way easements for HBMWD, Northwestern Pacific Railroad, and Pacific Gas and Electric facilities. The town of Samoa is located approximately half a mile to the northeast of the Site.

SURFACE WATER

15. The Site lies in a sand dune area on the Samoa Peninsula where there are no surface water drainage courses, seeps, or springs. The Samoa Peninsula is bordered by Humboldt Bay to the east and the Pacific Ocean to the west.

16. The Site is within the Eureka Plain Hydrologic Unit. The Eureka Plain discharges into Humboldt Bay and the Pacific Ocean or directly into the Pacific Ocean.

17. Pursuant to the Water Quality Control Plan for the North Coast Region (Basin Plan), including State Water Resources Control Board (State Water Board) Resolution No. 88-63, the existing and potential beneficial uses of the Eureka Plain Hydrologic Unit are:

    a. Municipal and Domestic Supply (MUN)
    b. Agricultural Supply (AGR)
    c. Industrial Service Supply (IND)
    d. Navigation (NAV)
    e. Water Contact Recreation (REC-1)
    f. Non-contact Water Recreation (REC-2)
    g. Cold Freshwater Habitat (COLD)
    h. Wildlife habitat (WILD)
    i. Rare, Threatened, or Endangered Species (RARE)
    j. Marine Habitat (MAR)
    k. Migration of Aquatic Organisms (MIGR)
    l. Spawning, Reproduction, and/or Early Development (SPWN)
    m. Shellfish Harvesting (SHELL)
    n. Estuarine Habitat (EST)
    o. Aquaculture (AQUA)

18. The Site is not located within a 100-year floodplain.

STORM WATER

19. This Order does not replace a future need for a National Pollutant Discharge Elimination System (NPDES) storm water permit as required by provisions of the Clean Water Act. The Site's NPDES Permit No. 112S014264 was terminated on November 25, 1999.

20. The WMUs are configured to direct storm water off of the units. WMU No. 1 has a filter fabric and rock lined ditch running from the top deck down the access road to the end of the unit. There are no surface drainage features that drain off the Site.

21. The mean annual precipitation for the area is approximately 37.72 inches per year, based on data recorded at the Eureka National Weather Station. The 100-year, 24-hour precipitation event intensity is 6.25 inches. The average intensity is 0.26 inches per hour. The 100-year, 10-minute precipitation event intensity is 3.0 inches per hour.

SITE GEOLOGY

22. Surficial deposits at the Site are dune sand ranging from seven to 26 feet below ground surface, based on four borings drilled from 32 to 42 feet below ground surface. Holocene littoral marine (beach) deposits underlie the dune sands. Based on the literature, the Holocene marine deposits are thought to be 50 to 80 feet thick. Middle Pleistocene Hookton Formation unconformably underlies the marine deposits.

23. There are no known Holocene faults at the Samoa Landfill. The Site is not within an Alquist-Priolo Special Studies Zone.

24. The nearest potentially active fault is the North Spit Fault, which is two miles offshore of the Site. Other potentially active faults within a 5-mile radius include the Buhne Point, Hookton Channel, Bay Entrance, and Little Salmon Faults. Additional sources of potentially significant seismic shaking include the Mendocino Fault, located approximately 30 miles southwest of Humboldt Bay off the California coast; the Mad River Fault Zone approximately 5 miles northeast of the Site; and the San Andreas Fault System in the vicinity of Point Delgada.

GROUNDWATER

25. Underlying groundwater exhibits a wide variation of mineral and general water quality constituents due to the proximity with saline water bodies and the climate of the coastal dune environment. There is a thin layer of fresh groundwater above and brackish water below.

26. No springs have been documented within one mile of the Site.

27. The surrounding area relies upon water provided by the Humboldt Bay Municipal Water District, so usage of the freshwater lens underlying the Site is believed to be minimal based on past surveys.

28. In April 1988 Louisiana Pacific Corporation submitted a Solid Waste Assessment Test (SWAT) report describing a groundwater monitoring network installed at the landfill in 1986. Four wells, MW-1 through MW-4, were installed from depths of 23 to 34 feet below ground surface.

29. Based on the expected groundwater movement, wells MW-3 and MW-4 are located upgradient and well MW-2 is located downgradient of the landfill. Well MW-1 is downgradient during the wet season, but upgradient during the dry season. Well MW-1 is located northwest of the landfill and is screened from 18 to 23 feet deep. Well MW-2 is located southeast of the landfill and is screened from 22 to 27 feet deep. Well MW-3 is located southeast of the landfill and is screened from 28 to 33 feet deep. Well MW-4 is located to the northeast of the landfill and is screened from 24 to 29 feet deep.

30. There are five industrial supply wells within one mile of the Site. The three wells on the Samoa Pacific Cellulose, LLC pulp mill site were built by Louisiana Pacific Corporation in the 1970's for use during drought years. They are not regularly used. Simpson Paper Company installed the other two wells in 1985. Usage of these wells is unknown.

31. Beneficial uses of areal groundwaters include:

    a. domestic water supply
    b. agricultural water supply
    c. industrial service supply
    d. industrial process supply

CLOSURE AND FINANCIAL ASSURANCES

32. The Site is subject to the closure requirements of Subchapter 5, Chapter 3, Title 27 CCR.

33. Sections 20950(f) and 20380(b), Title 27 CCR, require that the Discharger establish a formal financial mechanism to fund Site closure and known or reasonably foreseeable releases from the facility. Section 22212, Title 27 CCR, requires that the Discharger establish a formal financial mechanism to fund the Site postclosure maintenance fund. The Discharger has chosen to submit an annual Financial Means Test, per Section 22246, Title 27 CCR to meet these requirements.

34. The Discharger is required to update approved cost estimates annually to account for inflation, per Section 22221(a)(2) and 22236, Title 27 CCR.

35. Louisiana Pacific Corporation conducted final closure activities on the Site from May through September 1998, and subsequently submitted *Construction Quality Assurances Documentation* prepared by Winzler and Kelly Consulting Engineers dated January 1999, describing closure of the landfill.

36. During closure construction Louisiana Pacific Corporation uncovered an additional pile of ash to the east of WMU No. 2, on the other side of the railroad tracks, and designated this WMU No. 2A. Most of the ash in WMU No. 2A was excavated down to grade and placed on WMU No. 2. The remaining ash was capped in place with the cap crowned to promote positive drainage.

37. The landfill cap consists of an ash foundation layer, overlain by a one foot minimum thickness barrier layer, overlain by a two foot minimum thickness vegetation layer and six inches of mulch. The barrier layer was compacted to greater than 83 percent relative compaction. The barrier layer permeability was determined by laboratory permeability tests. All ten laboratory permeability tests had permeability less than 1×10^{-7} centimeter per second. The vegetation layer was compacted to greater than 90 percent relative compaction.

38. Soil cover for the WMUs was material from a Humboldt Bay dredge disposal site located on the north end of the Samoa Peninsula, the waste material comprised the foundation layer, the vegetation layer came from on-site borrow sources and the mulch was wood fines from the Louisiana Pacific Samoa operations. The landfill cap was compacted in lifts, drainage and erosion control measures were established in accordance with the March 1998 *Closure Plan* prepared by Winzler and Kelly Consulting Engineers.

39. The final cap surface is sloped to promote drainage away from the waste footprint. Slopes are no steeper than three to one nor flatter than three percent. The drainage ditch and contours were constructed to drain surface water away from the landfill cap. Erosion control consisted of seeding disturbed areas.

PROCEDURAL REQUIREMENTS AND OTHER CONSIDERATIONS

40. As an existing facility, this project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) pursuant to Title 14, California Code of Regulations, Section 15301.

41. The Humboldt County Planning Commission prepared and approved a negative declaration for the 1998 closure construction on March 31, 1998, to satisfy the requirements of CEQA. The Regional Water Board, acting as a responsible agency under CEQA, has considered this negative declaration pursuant to Title 14, California Code of Regulations, Section 15096.

42. The Regional Water Board Water Quality Control Plan for the North Coast Region includes water quality objectives and receiving water limitations.

43. This order implements:

    a. *The Water Quality Control Plan for the North Coast Region (Basin Plan)*; and
    b. The prescriptive standards and performance goals of Chapters 1 through 6, Subdivision 1, Division 2, Title 27, of the CCR, effective July 18,1997, and subsequent revisions.

44. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit written comments and recommendations.

45. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

46. The permitted discharge is consistent with the provisions of State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California.* Implementation of the provisions and prohibitions contained in this order will prevent measurably significant degradation of waters of the State.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 98-60 (for the former Louisiana Pacific Company Samoa Solid Waste Disposal Site, Class III Waste Management Unit) is rescinded. It is further ordered that the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not disclosed by the Discharger and of any waste disclosed by the Discharger but not reasonably anticipated to occur is prohibited.

2. The discharge of solid and liquid wastes at this landfill is prohibited. Water may be discharged in amounts reasonably necessary for dust control, compaction, and the establishment and maintenance of vegetation.

3. The Discharger shall not cause the concentration of any Constituents of Concern (COC) to exceed its respective concentration limit in any monitored medium. The concentration limit for each monitoring parameter shall be set at the background concentration. Data analysis shall be performed in accordance with the approved Monitoring and Reporting Program.

4. The discharge of "hazardous wastes" and "designated wastes" at this facility as defined in Title 27 CCR is prohibited. The discharge of leachate from the landfill is prohibited. For the purposes of this Order, the terms "hazardous wastes" and "designated wastes" are as defined in Title 27 CCR.

5. The discharge of waste, including leachate, solid, or waste derived gas to surface waters, surface water drainage systems, or groundwater is prohibited.

6. The discharge of waste to surface waters or within 50 feet of surface waters is prohibited.

7. The discharge of wastes into ponded water from any source is prohibited.

8. Ponding of liquids, including rainfall runoff and leachate, over solid waste disposal cells is prohibited.

9. The discharge of any waste in any manner not specifically described or quantified in the findings and regulated by this Order is prohibited.

10. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC, is prohibited.

B. GENERAL SPECIFICATIONS

1. The discharge of wastes shall not cause water quality degradation by allowing a statistically or non-statistically significant increase over background or baseline concentrations, as determined in accordance with Monitoring and Reporting Program No. R1-2003-0064.

2. Any leachate generated and collected at the Site shall be handled and disposed of in a manner approved by the Executive Officer of the Regional Water Board (Executive Officer).

3. Surface drainage from tributary areas or internal site drainage from surface or subsurface sources shall not contact or percolate through wastes discharged at the Site.

4. Precipitation and drainage control systems for storm water shall be designed and constructed to limit, to the greatest extent possible, ponding, inundation, erosion, slope failure, washout and overtopping from precipitation conditions of a 100-year, 24-hour storm event.

5. Unlined drainage ditches shall be located, to the maximum extent practicable, so that they do not cross over the landfill. Site drainage over the landfill shall be contained in drainage conveyance structures such as corrugated metal or plastic pipe or in drainage ditches which are lined with at least one foot of compacted soil having an in-place permeability of 1×10^{-6} cm/sec or less.

6. Prior to the anticipated rainy season, but no later than October 1, annually, any necessary erosion control measures shall be implemented, and any necessary construction, maintenance, or repairs of precipitation and drainage control facilities shall be completed to prevent erosion or flooding of the facility and to prevent surface drainage from contacting or percolating through wastes. By October 15, annually, the Discharger shall submit a report to the Executive Officer describing measures taken to comply with this specification.

C. CLOSURE SPECIFICATIONS

1. Waste Management Unit (WMU) containment structures shall be designed, constructed, and operated to prevent inundation or washout due to floods with a 100-year return period. WMU containment structures shall be constructed and maintained to prevent, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping under 100-year, 24-hour precipitation conditions.

2. All WMU containment structures and erosion and drainage control systems shall be designed and constructed under the direct supervision of a California registered professional civil engineer, or a certified engineering geologist, and shall be certified by that individual as meeting the prescriptive standards and performance

goals of Title 27 CCR. Designs shall include a Construction Quality Assurance Plan, which must:

a. demonstrate that the structures have been constructed according to the specifications and plans approved by the Regional Water Board, and

b. provide quality control specifications on the material and construction practices used to construct the structures and to prevent the use of inferior products and/or materials that do not meet the approved design plans and specifications.

3. Materials used to construct final cover or repair shall have appropriate physical and chemical properties to ensure containment of wastes over the closure and post-closure maintenance period. Construction quality assurance and as-built drawings shall be submitted to the Regional Water Board within 60 days of final cover construction or repair.

4. Final cover shall consist of at least two feet of compacted foundation materials, overlain by at least one foot of compacted clay at a hydraulic conductivity less than 1×10^{-6} centimeters per second, overlain by two feet of vegetative layer, and overlain by a six inch soil amendment layer consisting of woodwaste fine particulates. Permeability of the final cover shall be determined in the field and in the laboratory using techniques approved by the Executive Officer. Construction methods and quality assurance procedures shall be sufficient to ensure that all parts of the final cover meet the permeability and stability requirements. Final cover materials shall be designed and constructed to function with a minimum of maintenance. Installation of the final cover shall be under the direct supervision of a California registered professional civil engineer or certified engineering geologist. Materials and construction techniques shall meet the specifications and requirements in the final closure plan.

5. Vegetation shall be established immediately upon completion of the final cover. Vegetation shall be selected to require a minimum of irrigation and maintenance. Rooting depth shall not be in excess of the vegetative soil thickness.

6. Closed landfill units shall be graded to at least a three-percent grade and maintained to prevent ponding and infiltration.

7. Final cover shall conform to criteria specified in Construction Specifications contained in this Order. The Discharger shall install at least two permanent survey monuments near the landfill from which elevation of the disposal cells can be determined. Such monuments shall be installed by a California licensed surveyor or registered professional civil engineer. [Section 20950(d), Title 27 CCR]

8. Closure of each WMU shall be performed under the direct supervision of a California registered professional civil engineer or certified engineering geologist.

9. All containment structures shall meet the general criteria set forth in Section 20320, Title 27 CCR.

10. All containment structures shall meet the requirements of Sections 20310 through 20370, Title 27 CCR.

D. PROVISIONS

1. As noted in Finding 3, the ownership of the Site previously changed: LP conveyed its ownership interest to SP. SP intends to become the sole discharger by providing a financial assurance acceptable to the Executive Officer. As of the date the Executive Officer accepts a financial assurance from SP, LP will no longer be considered a "discharger" for purposes of this Order. Consistent with Provision 30 of this Order, this provision does not otherwise limit the responsibility of LP for discharges of waste according to the Porter-Cologne Water Quality Control Act and other applicable law.

2. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its contents.

3. The Discharger shall comply with these WDRs and the attached Monitoring and Reporting Program No. R1-2003-0064, incorporated herein by this reference. This program requires preparation and submittal of technical and monitoring reports pursuant to CWC Section 13267(b). A violation of the Monitoring and Reporting Program is a violation of these waste discharge requirements.

4. The Discharger shall comply with the attached General Monitoring and Reporting Provisions, which are hereby incorporated into this Order. A violation of any of the standard provisions and reporting requirements is a violation of these waste discharge requirements.

5. The Discharger may file a written request, including appropriate supporting documents, with the Executive Officer proposing modifications to Monitoring and Reporting Program No. R1-2003-0064. The Discharger shall implement any changes in the revised Monitoring and Reporting Program upon receipt of a signed copy of the revised Monitoring and Reporting Program.

6. The Discharger shall comply with all applicable provisions of Title 27 not specifically referred to in this Order.

7. By October 1 annually, any necessary erosion control measures shall be implemented and any necessary construction, maintenance, or repairs of drainage control facilities shall be completed to minimize erosion and prevent flooding at the Site. All disturbed areas shall be seeded with an appropriate vegetation mixture to minimize sedimentation. Rainfall runoff from disturbed areas shall be channeled through sedimentation basins or

other appropriate structures to minimize sedimentation in surface drainage courses downgradient of the Site. Sedimentation basins and other appropriate structures shall be cleaned out during the rainy season as necessary to maintain adequate sedimentation capacity.

8. Prior to any construction, the Discharger shall obtain any and all permits required under federal, state, or local laws.

9. By October 2003, October 2008, and at least every five years after, the Discharger shall produce and submit to the Regional Water Board an iso-settlement map accurately depicting the estimated total change in elevation of the final cover's low-hydraulic-conductivity layer. For each portion of the landfill, this map shall show the total lowering of the surface elevation of the final cover, relative to the baseline topographic map submitted in the January 1999 Construction Quality Assurances Documentation, and shall indicate all areas where visually noticeable differential settlement may have been obscured by grading operations. The map shall be drawn to the same scale and contour interval as the topographic map included in the January 1999 Construction Quality Assurances Documentation, but showing the current topography of the final cover and featuring overprinted isopleths indicating the total settlement to-date. The Executive Officer may suspend this requirement for any given WMU upon finding two successive versions of the iso-settlement map indicate that the WMU has stabilized. [Section 21090(e)(2), Title 27 CCR]

10. The Discharger shall note on a map of the landfill the approximate location and outline of any areas where differential settlement is visually obvious prior to conducting periodic grading operations on the closed landfill [Section 21090(e)(4), Title 27 CCR]. This information shall be included in the Annual Monitoring Report as well as each five-year iteration of the iso-settlement map. The map shall show all areas where differential settlement has been noted since the previous map submittal, and shall highlight areas of repeated or severe differential settlement. Map notations and delineations made pursuant to this paragraph need not be surveyed, so long as all areas where differential settlement was visually identifiable prior to regrading can be relocated. Such notation and delineation shall be made by, or under the supervision of, a California registered professional civil engineer or registered geologist.

11. Throughout the post closure maintenance period, the Discharger shall [Section 21090 (c), Title 27 CCR]:

    a. maintain the structural integrity and effectiveness of all containment structures, and maintain the final cover as necessary to correct the effects of settlement or other adverse factors;

    b. maintain monitoring systems and monitor the ground water, surface water, and the unsaturated zone in accordance with applicable requirements of Article 1, Chapter 3, Subchapter 3, Subdivision 1 (Section 20380 et seq.);

c. prevent erosion and related damage of the final cover due to drainage; and

d. protect and maintain surveyed monuments.

12. The Discharger shall provide proof to the Board within sixty days after completing final closure that the deed to the landfill facility property, or some other instrument that is normally examined during title search, has been modified to include, in perpetuity, a notation to any potential purchaser of the property stating that:

a. the parcel has been used as a solid waste landfill;

b. land use options for the parcel are restricted in accordance with the post-closure land uses set forth in the post-closure plan and in WDRs for the landfill; and

c. in the event that the Discharger defaults on carrying out either the post-closure maintenance plan or any corrective action needed to address a release, then the responsibility for carrying out such work falls to the property owner.

13. The Discharger shall obtain and maintain adequate assurances of financial responsibility for closure and corrective action for all known and reasonably foreseeable releases from a WMU at the facility, in accordance with Sections 20380(b), 20950, 22210, 22211, 22212, 22220, 22221, and 22222 of Title 27 CCR.

14. The Discharger is required to update approved cost estimates annually to account for inflation, in accordance with Section 22236, Title 27 CCR.

15. The Discharger shall annually by June 1st, submit the following:

a. Evidence that adequate financial assurance for corrective action and postclosure maintenance is still in effect.

b. Adjustment to update approved cost estimates annually to account for inflation.

c. A statement that the amount of adequate financial assurance for corrective action and postclosure maintenance is still adequate or showing the amount of increase as necessary.

d. A statement that the postclosure maintenance plan is still adequate and in conformance with the existing regulations.

16. In the event the Regional Water Board determines that the Discharger has failed to pay or are failing to perform corrective action as required by law, the California Integrated Waste Management Board may direct the Discharger to pay such amounts as necessary to ensure sufficient corrective action. The Discharger shall be obligated to use such funds for corrective action, in accordance with the directive of the Regional Water Board.

17. The Discharger shall maintain waste containment facilities and precipitation and drainage control systems throughout the post-closure maintenance period. The Discharger shall immediately notify the Regional Water Board of any flooding, equipment failure, slope failure, or other change in Site conditions that could impair the integrity of waste containment facilities or of precipitation and drainage control structures.

18. The Discharger shall continue to monitor each WMU, surface drainage, and underlying media throughout the post-closure maintenance period per Monitoring and Reporting Program No. R1-2003-0064. Monitoring shall continue until the Regional Water Board determines that the Site no longer threatens water quality.

19. The Discharger or persons employed by the Discharger shall comply with all notice and reporting requirements of the State Department of Water Resources with regard to the construction, alteration, destruction, or abandonment of all monitoring wells used for compliance with this Order or with Monitoring and Reporting Program No. R1-2003-0064, as required by Sections 13750 through 13755 of the CWC.

20. Monitoring points, including those representing groundwater sampling for the Point of Compliance, shall be as listed in the Monitoring and Reporting Program No. R1-2003-0064 for the Site.

21. If the Discharger determines that there is measurably significant evidence of a release from the WMUs, as defined in Section 20164, Title 27 CCR, the Discharger:

    a. shall immediately notify the Regional Water Board verbally and take all necessary corrective actions. Written notification by certified mail shall be provided within 7 days of occurrence. [Section 20420(j)(1), Title 27 CCR]

    b. can immediately initiate the verification procedure pre-approved by the Regional Water Board to verify the release. [Section 20420(j)(2), Title 27 CCR]

22. Immediately following detection of a release, or after completion of the retest, the Discharger:

    a. Shall immediately sample all Monitoring Points in the affected medium at the WMUs and determine the concentration of all COCs. [Section 20420(k)(1), Title 27 CCR]

    b. Within 90 days of determining measurably significant evidence of release, submit an amended ROWD to establish an evaluation monitoring program, in accordance with Section 20420(k)(5), Title 27 CCR.

    c. Within 180 days of verifying measurably significant evidence of a release from a WMU, submit an engineering feasibility study for a corrective action program. The corrective action program shall, at a minimum, meet the requirements of Section 20430, Title 27 CCR. [Section 20420(k)(6), Title 27 CCR]

23. The Regional Water Board may make an independent finding that there is a measurably significant evidence of release. The Regional Water Board shall send written notification of such a determination to the Discharger by certified mail, return receipt requested. The Discharger shall comply with all provisions of Section 20420, Title 27 CCR and Provisions in this Order that are required in response to a measurably significant evidence of release.

24. The Discharger shall report to the Regional Water Board by certified mail the results of both the initial statistical test and the results of the verification procedure, as well as all concentration data from samples collected for use in these tests within seven days of the last laboratory analysis of the samples collected for the verification procedure. [Section 20415(e)(8)(E)(6), Title 27 CCR]

25. If the Discharger verifies that there has been a measurably significant release from the WMUs, the Discharger may demonstrate that a source other than the WMUs caused the evidence of a release or that the evidence is an artifact caused by an error in sampling, analysis, or the data analysis protocol. [Section 20420(k)(7), Title 27 CCR] The Discharger may make this demonstration in addition to or in lieu of submitting an amended report of waste discharge and an engineering feasibility study pursuant to Section 20420(k)(5), Title 27 CCR and Section 20420(k)(6), Title 27 CCR. The Discharger is not relieved of the requirements specified in Sections 20420(k)(5) and (k)(6), Title 27 CCR unless the demonstration report is accepted by the Executive Officer. In making a demonstration, the Discharger shall:

    a. Within 7 days of determining measurably significant evidence of a release, submit a report to the Regional Water Board by certified mail stating that the Discharger intends to make a demonstration pursuant to Section 20420(k)(7)(A), Title 27 CCR.

    b. Within 90 days of determining measurably significant evidence of a release, submit a report to the Regional Water Board that demonstrates that a source other than the WMU caused the apparent release. [Section 20420(k)(7)(B), Title 27 CCR]

    c. Within 90 days of determining measurably significant evidence of a release, submit an amended report of waste discharge to make any appropriate changes to the detection monitoring program. [Section 20420(k)(7)(C), Title 27 CCR]

26. If the Discharger determines that there is significant physical evidence of a release, as described in Section 20385(a)(3), Title 27 CCR or that the detection monitoring program does not meet the requirements of Section 20420, Title 27 CCR, the Discharger shall:

    a. notify the Regional Water Board by certified mail within 7 days of such a determination [Section 20420(l)(1), Title 27 CCR]; and

    b. within 90 days of such a determination, submit an amended ROWD to the Regional Water Board to make any appropriate changes to the program [Section 20420(1)(2), Title 27 CCR]

27. Any time that the Regional Water Board determines that the detection monitoring program does not satisfy the requirements of Section 20420, Title 27 CCR, the Regional Water Board shall send written notification of such a determination to the Discharger by certified mail, return receipt requested. The Discharger shall, within 90 days after receipt of notification by the Regional Water Board, submit an amended ROWD to make any appropriate changes to the program. [Section 20420(m), Title 27 CCR]

COMPLIANCE TIME SCHEDULE

28. Pursuant to Section 13267(b) of the CWC, The Discharger shall complete the tasks outlined in these waste discharge requirements in accordance with the following time schedule:

Action	Compliance Date
The Discharger shall record a detailed description of the Site at the Humboldt County Recorder's Office in accordance with the Site's Closure Plan. The description shall include the date of closure completion; the boundary of the closure Site; location of the closure Site; post-closure maintenance plans; deed restrictions regarding future use of the Site (per PROVISION D. 12); a map of the closed fill. Copies of the recorded documents shall be submitted to the Regional Water Board.	October 15, 2003
The Discharger shall install at least two of permanent survey monuments near the landfill from which elevation of the disposal cells can be determined. Such monuments shall be installed by a California licensed surveyor or registered professional civil engineer. The Discharger shall submit a report, including drawings, documenting the installation and location of the monuments. The report shall be signed and stamped by a California licensed surveyor or registered professional civil engineer. [Section 20950(d), Title 27 CCR]	October 15, 2003

29. The Discharger shall notify the Regional Water Board in writing of any proposed change of ownership or responsibility for construction, operation, closure or post-closure maintenance of the WMUs. This notification shall be given prior to the effective date of the change and shall include a statement by the new Discharger(s) that construction, operation, closure, and post-closure maintenance will be in compliance with any existing waste discharge requirements and any revisions thereof. Upon such notification, the Regional Water Board will amend the existing Waste Discharge Requirements to name the new Discharger(s).

30. The Regional Water Board considers the property owner at the time of waste placement to have continuing responsibility for correcting problems as a result of the waste discharge, which may arise in the future. This responsibility continues during subsequent use of the land including use by subsequent owners.

31. After notice of and opportunity for hearing, this Order may be terminated or modified for cause, including but not limited to:

    a. violation of any term or condition in this Order;

    b. obtaining this Order by misrepresentation, or failure to fully disclose all relevant facts; and
    c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

32. The Discharger shall remove and relocate any wastes discharged at this Site in violation of this Order.

33. Severability

    Provisions of these waste discharge requirements are severable. If any provision of these requirements is found to be invalid, the remainder of these requirements shall not be affected.

34. Operation and Maintenance

    The Discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the Discharger to achieve compliance with the waste discharge requirements.

35. Change in Discharge

    The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

36. Signatory Requirements

    a. All applications, reports, or information submitted to the Regional Water Board Executive Officer shall be signed by either a principal executive officer, ranking elected official, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:

        i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

        ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. Reports required by this Order, other information requested by the Regional Water Board, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

i. the authorization is made in writing by a person described in paragraph (a) of this provision;

ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]

c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

37. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

a. existence of this Order, and

b. the status of the Discharger's annual fee account.

38. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

39. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

a. entry upon premises in which a waste source is located or in which any required records are kept;

b. access to copy any records required to be kept under terms and conditions of this Order;

c. inspection of monitoring equipment or records; and

d. sampling of any discharge.

40. Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

a. breakdown of waste treatment equipment;

b. accidents caused by human error or negligence; or

c. other causes such as acts of nature;

the Discharger shall notify the Executive Officer by telephone as soon as they or their agents have knowledge of the incident and shall confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

41. Accidental Spills, Incident Reporting and Monitoring

The Discharger shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2003-0064 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services.

a. Order No. 74-151 requires immediate incident reporting of unintentional or accidental spills (including Emergency Response actions) and diligent action to abate the effects of the discharge. Written confirmation of the incident is required within two weeks of notification.

b. General Monitoring and Reporting Provisions require sampling and analysis performance criteria in addition to compliance reporting criteria and timeframes.

42. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

43. This Regional Water Board requires the Discharger to file a report of waste discharge at least 120 days before making any material change or proposed change in the character, location, or volume of the discharge.

Certification

I, Susan A. Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 26, 2003.

_____

Susan A. Warner
Executive Officer

(SamoaSWDS_WDR2003)